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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,581	11/13/2001	Samuel H. Russ	A-6885	6608
5642	7590	03/13/2006		EXAMINER
SCIENTIFIC-ATLANTA, INC.				LAYE, JADE O
INTELLECTUAL PROPERTY DEPARTMENT			ART UNIT	PAPER NUMBER
5030 SUGARLOAF PARKWAY			2617	
LAWRENCEVILLE, GA 30044				
				DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/008,581	RUSS ET AL.
	Examiner	Art Unit
	Jade O. Laye	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 November 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-113 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-113 is/are rejected.  
 7) Claim(s) 37 and 38 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

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### ***Information Disclosure Statement***

I. The information disclosure statements (IDS) submitted on 3/18/03, 6/16/03, 9/15/03, 1/29/04, 3/15/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, each has been considered by the examiner.

*[Note: Applicant cites his own specification as prior art. However, the Examiner does not understand why this was done. For the purposes of this Office Action, the Examiner assumes this was a error on Applicant's part. However, please provide clarification in your response.]*

### ***Drawings***

II. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

III. Claims 37 and 38 are objected to because of the following informalities: Each contains the phrase "...the device are mobile," however "device" has no antecedent basis. For the

purposes of examination, the Examiner assumes the Applicant intended the phrase to read "...the remote device are mobile."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

III. Claims 1-3, 15-18, 23-25, 28-32, 35, 37, 38, 52-54, 60-63, 82-84, 87-90, and 100 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US Pat. Pub. No. 2005/0028208).

As to Claim 1, Ellis discloses an interactive video system with remote access. Although the system can be arranged in any number of ways, one exemplary embodiment comprises a tuner (i.e., set top box, in-home server, etc.) capable of sending audiovisual data to remote terminals (i.e., pda's, receivers, etc.). A user located at the remote site can send various requests (i.e., control info) to the tuner to receive and/or alter (i.e., view EPG, change channels, etc.) the display. (Abst.; Figs. 1, 2A, 2C, & 29-31; Pars. [0015, 0107, 0109, 0134, 0135, 0138, 0168, & 0170])

Although the amount of time necessary to achieve channel changes is not discussed, the Examiner interprets them as occurring in real-time. In support of this interpretation, the Examiner directs Applicant's attention to Paragraph [0107], which teaches the user is allowed to tune to video programming in real-time (thereby, allowing the user to change channels within three seconds). Accordingly, Ellis et al anticipate each and every limitation of Claim 1.

The limitations of Claims 2, 3, and 82 are encompassed within the rejection of Claim 1. Thus, each is analyzed and rejected as discussed therein.

Claims 17 and 18 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claim 23 are encompassed within the rejection of Claim 1. (*Moreover, Ellis teaches the system is capable of supplying (i.e., translating) the transmitted data in a form which can be viewed by the remote terminal. (Par. [0102].)*)

Claims 24 and 25 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 83 and 84 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as discussed therein.

As to Claim 15, Ellis further teaches an EPG can be requested and transmitted across the system. (Abstr; Par. [0010, 0014, 0015, 0102, & 0109]). Accordingly, Ellis et al anticipate each and every limitation of Claim 15.

Claim 60 corresponds to Claim 15. Thus, it is analyzed and rejected as previously discussed.

As to Claim 16, Ellis further teaches the system comprises an Internet connection. (Figs. 6a-6c). Accordingly, Ellis et al anticipate each and every limitation of Claim 16.

Claims 28-32, 35, 37-39, and 87-90 are anticipated by Ellis at Paragraphs [0092] and Figures 29-32. Accordingly, Ellis et al anticipate each and every limitation of Claims 28-32.

As to Claims 48 and 100, Ellis further teaches the use of a web-browser. (Par. [0020, 0110] and Fig. 6A-6C). Accordingly, Ellis et al anticipate each and every limitation of Claim 48.

Claim 61-63 corresponds to Claim 48. Thus, it is analyzed and rejected as previously discussed.

Claim 52 is encompassed by Claims 1 and 23. Thus, it is analyzed and rejected as discussed therein.

Claims 53 and 54 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as discussed therein.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

IV. Claims 4-7, 22, 26, 27, 41, 49-51, 55, 56, 64, 81, 85, 86, 93, 101, 102, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of Amit. (US Pat. Pub. No. 2004/0107445).

As to Claims 4 and 5, Ellis et al fail to disclose the use of HomePNA or HomeRF. However, within the same field of endeavor, Amit teaches it was well known to utilize HomePNA and HomeRF networking systems in video distribution. (Par. [0005, 0007, 0063]). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the remote system of Ellis with the HomePNA/HomeRF networking system of Amit to provide an easy and cost efficient method of creating a home data network.

Claims 26 and 85 correspond to Claim 4. Thus, each is analyzed and rejected as previously discussed.

Claims 27 and 86 correspond to Claim 5. Thus, each is analyzed and rejected as previously discussed.

As to Claim 6, Ellis further teaches the use of MPEG-2 compression. (Par. [0127, 0135]). Accordingly, the combined systems of Ellis and Amit render obvious all limitations of Claim 6.

As to Claims 7 and 93, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of Windows Media Player and Real Player platforms was well known in video systems. (as evidenced by Murphy US Pat. Pub. No. 2004/0078825, Par. [0030]). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined teachings of Ellis and Amit with this teaching in order to provide a method of transmitting video data over the Internet.

The limitations of Claim 22 are obvious alterations of Claim 1 and 16. In addition to the discussion under Claim 1, Ellis and Amit further teach the use of analog signals, an Ethernet Interface (Ellis Par. [0086 & 0097]), and an IEEE 802.11b interface. (Amit, Par. [0007]). Moreover, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of NetMeeting software was well known in video systems (as evidenced by Bi et al, US Pat. Pub. No. 2002/0087996, Par. [0004]) – as well as the transmission of Internet data related to video programming. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify the combined system of Ellis and Amit, thereby supplying a system, which provides a richer interactive experience for users.

Claims 49, 50, and 101 are encompassed within the rejection of Claim 22. Accordingly, each is analyzed and rejected as previously discussed.

Claim 41 correspond to Claim 7. Thus, it is analyzed and rejected as discussed therein.

The limitations of Claim 51 are encompassed within the rejections of Claims 3, 49, and 22. Thus, it is analyzed and rejected as discussed therein.

Claims 55 and 56 corresponds to Claims 6 and 7, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 64 corresponds to Claims 1, 3, 16, 22, 23, and 49. Thus, it is analyzed and rejected as discussed therein.

Claim 81 corresponds to Claims 1, 61, and 64. Thus, it is analyzed and rejected as discussed therein.

Claim 102 corresponds to Claims 1, 16, and 49. Thus, each is analyzed and rejected as discussed therein.

Claim 113 corresponds to Claims 1 and 22. Thus, it is analyzed and rejected as discussed therein.

V. Claims 8-14, 42-47, 57-59, 65-80, 94-99, and 103-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of Amit as applied to claim 6 above, and further in view of Chou. (US Pat No. 6,637,031).

As to Claims 8-10, Ellis and Amit fail to disclose the recited limitations. However, within the same field of endeavor, Chou discloses a similar system, which combats latency by initially transmitting a lower quality video signal, thereby allowing a higher quality signal to be transmitted at a later time. (Abst.; Col. 3, Ln. 29-37; Col. 4, Ln. 40-58). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to

combine the systems of Ellis, Amit, and Chou, thereby providing a remote video system, which incorporates an alternate method of latency reduction.

Claim 19 corresponds to Claim 8. Thus, it is analyzed and rejected as previously discussed.

The limitations of Claims 11-13, 57-59, and 94-96 are combinations of Claims 6, 8, 9, and 11. Moreover, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of any number of encoding formats was well known in this art. Thus, the combined systems of Ellis, Amit, and Chou render obvious all limitations of Claims 11-13.

As to Claim 14, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of transcoders was well known in this art. Thus, the combined systems of Ellis, Amit, and Chou render obvious all limitations of Claim 14.

The limitations of Claims 46, 47, 65, 98, 99, and 103 are encompassed within the rejection of Claim 14. Thus, it is analyzed and rejected as discussed therein.

The limitations of Claim 20 are encompassed within the rejections of Claims 6 and 19. Thus, it is analyzed and rejected as discussed therein.

The limitations of Claim 21 are encompassed within the rejection of Claim 11. Thus, it is analyzed and rejected as discussed therein.

Claim 42 corresponds to Claim 11. Thus, it is analyzed and rejected as discussed therein.

The limitations of Claim 43 and 44 correspond to Claims 11 and 13. Thus, each is analyzed and rejected as discussed therein.

The limitations of Claims 45 and 97 are encompassed within Claim 9. Thus, it is analyzed and rejected as discussed therein.

Claims 66 and 67 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 68, 69, 70, and 71 are encompassed by Claims 6, 7, 8, and 9, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 72, 73, 74, 75, and 76 are encompassed by Claims 11, 13, 12, 14, and 15, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 77, 78, 79, and 80 are encompassed by Claims 48, 8, 20, and 11. Thus, each is analyzed and rejected as discussed therein.

Claims 104 and 105 correspond to Claims 2 and 3, respectively. Thus, each is analyzed and rejected as discussed therein.

Claims 106, 107, 108, 109, 110, and 111 correspond to Claims 7, 8, 11, 13, 12, and 15, respectively. Thus, each is analyzed and rejected as discussed therein.

Claim 112 corresponds to Claims 16 and 48. Thus, it is analyzed and rejected as discussed therein.

VI. Claims 33, 34, 36, 40, 91, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al.

As to Claim 33, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of expansion slots within PDA's was well known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify Ellis with this teaching in order to provide a cost efficient method of upgrading/altering the PDA software.

The limitations of Claim 34 correspond to those of Claim 29. Thus, it is analyzed and rejected as discussed therein.

As to Claims 36 and 91, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of PCMCIA cards within laptops was well known in this art (as evidenced by Hylton et al, US Pat. No. 5,793,413 Col. 33, Ln. 18-47) as an interface to communication between one or more computers. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify Ellis with this teaching in order to provide a system to facilitate data communications between one or more computers.

As to Claims 40 and 92, the Examiner takes Official Notice that, at the time of Applicant's invention, the use of encryption technology in video systems was well known (as evidenced by Davidson, US Pat. No. 4,215,366 (Re # 31,735), Col. 2, Ln. 32-Col. 4, Ln. 3). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify Ellis with this teaching in order to provide a video system capable of minimized unauthorized viewing.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

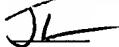
- a. Ekel et al (US Pat. Pub. No. 2002/0002707) disclose a similar system.
- b. Dureau et al (US Pat. Pub. No. 2002/0056112) disclose a similar system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: 

March 1, 2006.



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